

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Douglas Dynamics, LLC, d/b/a/ Western  
Products,

Plaintiff,

v.

B&P SUPPLY, INC.,

Defendant

CIVIL ACTION

Docket No: 04-cv-11467-MAP

**PLAINTIFF WESTERN PRODUCTS' ANSWER  
TO DEFENDANT'S COUNTERCLAIM**

Plaintiff Douglas Dynamics, LLC d/b/a Western Products ("Western") hereby answers  
Defendant B&P Supply, Inc.'s ("B&P's") Counterclaim as follows:

COUNT I

1. Western is without knowledge or information sufficient to form a belief as to the  
truth of the allegations contained in paragraph 1 of B&P's Counterclaim.

2. Western admits the allegations contained in Paragraph 2 of B&P's Counterclaim.

3. Western admits the allegations contained in Paragraph 3 of B&P's Counterclaim.

4. Western admits that B&P is in the business of selling snow and ice removal  
equipment. Western is without knowledge or information sufficient to form a belief as to the  
truth of the allegation that B&P sells snow and ice removal equipment throughout the Western  
New England – Eastern New York area and so denies the remaining allegations contained in  
Paragraph 4 of B&P's Counterclaim.

5. Western admits that B&P has purchased snow and ice removal equipment and  
accessories from Western for resale to consumers since July 1982 and denies the remaining  
allegations contained in Paragraph 5 of B&P's Counterclaim.

6. Western is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of B&P's Counterclaim.

7. Western denies the allegations contained in Paragraph 7 of B&P's Counterclaim.

8. Western denies the allegations contained in Paragraph 8 of B&P's Counterclaim.

9. Western denies the allegations contained in Paragraph 9 of B&P's Counterclaim.

10. Western denies the allegations contained in Paragraph 10 of B&P's Counterclaim.

11. Western denies the allegations contained in Paragraph 11 of B&P's Counterclaim.

WHEREFORE, Western respectfully requests that this Court enter judgment in its favor against B&P on its Counterclaim and award such other and further relief as the Court deems just and appropriate.

## COUNT II

12. Western repeats and restates its answers to the allegations contained in paragraphs 1 through 11 of B&P's Counterclaim as if fully set forth herein.

13. Western denies the allegations contained in Paragraph 13 of B&P's Counterclaim.

14. Western denies the allegations contained in Paragraph 14 of B&P's Counterclaim.

15. Western denies the allegations contained in Paragraph 15 of B&P's Counterclaim.

16. Western denies the allegations contained in Paragraph 16 of B&P's Counterclaim.

17. Western denies the allegations contained in Paragraph 17 of B&P's Counterclaim.

18. Western denies the allegations contained in Paragraph 18 of B&P's Counterclaim.

WHEREFORE, Western respectfully requests that this Court enter judgment in its favor against B&P on its Counterclaim and award such other and further relief as the Court deems just and appropriate.

**AFFIRMATIVE DEFENSES**

FIRST AFFIRMATIVE DEFENSE

B&P's Counterclaim fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

B&P's equitable claims are barred by the doctrine of unclean hands.

THIRD AFFIRMATIVE DEFENSE

B&P's claims are barred by the doctrine of estoppel.

FOURTH AFFIRMATIVE DEFENSE

B&P's claims are barred by its own breach of contract.

FIFTH AFFIRMATIVE DEFENSE

B&P failed to plead a cause of action for violations of 15 U.S.C. §§ 1 & 2 and M.G.L. c. 93 with sufficient particularity.

Dated: April 13, 2005

/s/ Christopher R. Drury  
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**CERTIFICATE OF SERVICE**

I hereby certify that on April 13, 2005, I electronically filed Western Products' Answer to Defendant's Counterclaim with the Clerk of Court using the CM/ECF system. I also served a copy of the same, via First-Class Mail, postage prepaid, upon the following:

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